

CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS

Bureau of Cannabis Control

Initial Study and Negative Declaration

November 16, 2017

Purpose of Presentation

Provide information about the Bureau's Initial Study/Negative Declaration (IS/ND) conducted pursuant to the California Environmental Quality Act (CEQA)

California Environmental Quality Act (CEQA)

- CEQA requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible.
- A public agency must comply with CEQA when it undertakes an activity defined by CEQA as a “project.”
- The Bureau has published regulations to implement, interpret, and make specific the provisions of the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA).
- Under CEQA, the adoption of regulations by a public agency constitutes a “project.”
- Since the Bureau is a public agency undertaking a “project” it must comply with CEQA.

Initial Study (IS)

- An IS is a preliminary analysis conducted by the lead agency to determine if a project may have a significant effect on the environment.
- The IS also aids in determining what type of environmental document to prepare, such as an Environmental Impact Report (EIR) or a Negative Declaration (ND).
- The Bureau is the lead agency for the Proposed Project which will regulate the following commercial cannabis licensees:
 - Retailers
 - Distributors
 - Testing Laboratories
 - Microbusinesses

CEQA Analysis

Methodologies:

- Site Visits
- Tribal Consultations
- Consideration of past, existing, and probable future projects/programs
- Consideration of existing environment
- Reliance on CDFA Draft PEIR for evaluation of impacts related to cultivation under a microbusiness license

Study Focuses on:

- Activities Subject to the Bureau's Regulatory Authority
- Licensed Activities
- Existing State Laws and Regulations

Topics Dismissed from Detailed Analysis

The following environmental topics were dismissed from detailed analysis in the IS/ND, either because there was no potential for the Proposed Program to have a significant impact or because the CDFA Draft PEIR analysis adequately covered the issue:

- Agriculture and Forestry Resources
- Cultural and Paleontological Resources
- Geology, Soils, and Seismicity
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Population and Housing
- Recreation
- Tribal Cultural Resources
- Utilities and Service Systems

Topics Receiving Detailed Analysis

The following environmental topics received a detailed analysis in the ID/ND, which addresses the Proposed Program's potential to have a significant impact:

- Aesthetics
- Air Quality
- Biological Resources
- Energy Use and Greenhouse Gas (GHG) Emissions
- Hazards, Hazardous Materials, and Human Health
- Noise
- Public Services
- Transportation and Traffic

CEQA FINDINGS

For all topics analyzed, the Bureau determined that the Proposed Program would have no impact or less-than-significant impacts on the environment.

Therefore, the Bureau adopted a Negative Declaration (ND).

Negative Declaration (ND)

A ND is an environmental document that may be prepared following an IS. It is a written statement by the lead agency briefly describing the reasons that a proposed project will not have a significant effect on the environment.

A “significant effect on the environment” means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

Public Comments

The IS/ND was circulated for a 30-day comment period, which began September 6, 2017 and closed at 5:00 p.m. on October 6, 2017.

Fifty public comments were received. The majority did not relate to the environmental analysis or process.

All comments were carefully reviewed and considered, and a Response to Comments memo which provides detailed responses to each comment was prepared.

Final Steps in CEQA Process

The Bureau, as the CEQA Lead Agency, considered substantive comments on the IS/ND before approving the Proposed Program.

Upon approval of the Proposed Program, the Bureau has filed a Notice of Determination with the California Governor's Office of Planning and Research.